

**IC 14-27**

**ARTICLE 27. LEVEES, DAMS, AND DRAINAGE**

**IC 14-27-1**

**Chapter 1. Duties of Department**

**IC 14-27-1-1**

**General duties of department**

Sec. 1. The department shall do the following:

- (1) Investigate, compile, and disseminate information and make recommendations relative to the drainage and reclamation of land.
- (2) Make surveys and reconnaissance and prepare the maps, charts, statistical tables, and other documents and appurtenances that are considered necessary to enable landowners, public officials, or other persons interested in or charged by law with the duty of promoting and securing the drainage and reclamation of land to proceed more intelligently with their work.
- (3) Recommend and secure the enforcement of laws for the drainage and reclamation of the swamp, overflowed, and nonarable land of Indiana.
- (4) Ascertain, determine, designate, and define natural drainage and reclamation areas. When requested, place at the disposal of the public officials charged by law with the establishment and execution of the work the information that will enable the public officials, when providing for the drainage or reclamation of a component part of the natural drainage or reclamation areas, to proceed with the work so that the component systems, when established and completed, form a scientifically integrated system whereby the entire natural drainage or reclamation area is most economically and scientifically drained or reclaimed.
- (5) Prepare computations of the probable maximum quantity of water likely to be collected from a drainage or reclamation area or district and discharged by a ditch or system of ditches or drains, together with the probable maximum capacity of the outlet by which the water is to make its escape.
- (6) Prepare computations of the probable maximum quantity of water likely to be restrained or impounded by a levee or dike or a system of levees or dikes, together with the location and the probable maximum height and strength of the proposed dikes or levees by which the water is to be restrained and impounded.
- (7) Make the computations prepared under subdivisions (5) and (6) available, on request, to and placed at the disposal of a public official or other person authorized by law to locate, establish, or construct ditches, drains, levees, or dikes for the purpose of enabling the person to locate, establish, and construct the ditches, drains, levees, or dikes so that land other

than land assessed for benefits and wherever located is not subjected to inundation, overflow, or unnecessary or unnatural hazard or inconvenience.

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-2**

##### **Notices required to be made to department**

Sec. 2. Within five (5) days after:

(1) an order has been made by a circuit or superior court, board of commissioners, or county auditor referring a petition for drainage or for the establishment and construction of a levee or dike to the:

(A) drainage or levee commissioners;

(B) county surveyor; or

(C) joint board of drainage commissioners for interstate drains; and

(2) the election and organization of the board of directors of an incorporated levee or dike association under Indiana law for the location, establishment, or construction of ditches, drains, levees, or dikes;

the clerk of the circuit court, the county auditor, or the clerk of the board of directors of the incorporated levee or dike association shall notify the department by registered letter of the making of the order or the election and organization of the board of directors.

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-3**

##### **Contents of notices**

Sec. 3. The letter required by section 2 of this chapter must state the following:

(1) The names and addresses of the drainage or levee commissioners or the members of the board of directors.

(2) The date and place of meeting of the commissioners or board of directors to make personal inspection of the land described in the petition or likely to be affected by the proposed work of drainage or levee or dike construction.

(3) The date fixed by the court or board of county commissioners or otherwise upon which the preliminary or final report of the drainage or levee commissioners or board of directors is to be submitted.

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-4**

##### **Collection of data, statistics, or information**

Sec. 4. Upon the receipt of notice under section 2 of this chapter or at any time thereafter, the department may obtain, collate, and interpret the data, statistics, or other information relative to the proposed ditch, drain, levee, or dike that in the discretion of the department is considered necessary to enable the department to fully and satisfactorily perform the duties required by this chapter. The

data, statistics, or other information may be obtained by the department or an agent of the department either in person or by a suitable questionnaire prepared by the department and submitted to:

- (1) the clerk of the circuit court or the auditor of the county having jurisdiction of the case; or
- (2) the drainage or levee commissioners or board of directors or superintendent of construction.

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-5**

##### **Designation of technical advisor**

Sec. 5. The department may, upon the receipt of a request in writing from:

- (1) the circuit or superior court or the board of county commissioners having jurisdiction of the case;
- (2) the drainage or levee commissioners;
- (3) the board of directors of an incorporated levee or dike association;
- (4) the superintendent of construction; or
- (5) a petitioner or a landowner who may be affected by an assessment or damages incident to the establishment and construction of the proposed work;

direct the state engineer or an authorized agent or person connected with the division of engineering to act as a technical advisor.

*As added by P.L.1-1995, SEC.20.*

#### **IC 14-27-1-6**

##### **Duties of technical advisor**

Sec. 6. The department may direct the technical advisor designated under section 5 of this chapter to do any of the following:

- (1) Accompany the drainage or levee commissioners, the joint board of drainage commissioners, or the board of directors of an incorporated levee or dike association and assist and advise them while making personal inspection of the land likely to be affected by the proposed work to determine the best and cheapest method of drainage or of constructing the proposed levee or dike, including the termini, route, location, character, and dimensions of the main drain or levee, as well as any arms, branches, or laterals, considering future contingencies as well as present needs, and cooperate with them in the determination of all other matters that the commissioners or board of directors are lawfully required to perform and on which they may request the person's assistance or advice.
- (2) Sit in an advisory capacity during the hearing of the preliminary or final report of the drainage or levee commissioners or board of directors by the court or county executive until the proceedings have been dismissed or an order has been issued declaring the proposed work established.
- (3) Cooperate with the superintendent of construction, commissioner, or other person charged with the execution of the

work in the determination of all matters on which the person's  
advice or assistance is requested.

*As added by P.L.1-1995, SEC.20.*